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| 10/525,810 | 09/02/2005 | Franz Amtmann | AT02 0055 US | 9914 |
| 65913 | 7550 | 04/04/2008 | | |
| NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131 | | | EXAMINER AU, SCOTT D | |
| | | | ART UNIT 2612 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary

Application No.

10/525,810

Applicant(s)

AMTMANN, FRANZ

Examiner

SCOTT AU

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Comment [B1]: O the PTO 326 we need to include the status of all claims, what is the status of claims 2-6 for example.

The application of Amtmann for a "Method of inventorying transponders by means of communication system" filed February 25, 2005 has been examined.

Claims 1-19 are pending.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in figure 1, numbers 4, 7, 7A, 8-18, and 20-23, and in figure 2, numbers 3, 30-38, and 40-47 must be labeled. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (US# 7,084,769) in view of Cesar et al. (US# 6,172,596).

Referring to claim 1, Bauer et al. disclose a method of inventory at least one transponder by means of a communication station, wherein the communication station emits an unmodulated carrier signal in a communication range and wherein the transponder on entering the communication range emits a response signal to the reader (col. 2 lines 50-60; col. 3 lines 10-20 and col. 5 lines 46-51; see Figure 1).

However, Bauer et al. did not explicitly disclose a communication method wherein the communication station emits a signal in a communications range, and wherein the transponder on entering the communications range emits a presence-signaling signal in the communications range, and wherein the communication station

on receiving a presence-signaling signal emits a command signal in the communications range, and wherein the transponder on receiving the command signal emits a response signal in the communications range permitting the identifying of the transponder, and wherein the communication station, on correctly receiving a response signal undertakes identifying of the transponder.

In an analogous art, Cesar et al. disclose a method of identifying at least one transponder (131,141) (i.e. tags) by means of a communication station (100) (i.e. base station), wherein the communication station (100) (i.e. base station) (i.e. step 405) emits a command signal in a communications range, and wherein the transponder (131,141) (i.e. tags) on entering the communications range emits a presence-signaling signal (i.e. step 415) in the communications range, and wherein the communication station (100) (i.e. base station) on receiving a presence-signaling signal emits a command signal (i.e. step 435) in the communications range, and wherein the transponder (131,141) (i.e. tags) on receiving the command signal emits a response signal (i.e. step 445) in the communications range permitting the identifying of the transponder(131,141) (i.e. tags), and wherein the communication station (100) (i.e. base station), on correctly receiving a response signal undertakes identifying of the transponder(131,141) (i.e. tags) (col. 5 line 53 to col. 5 line 10). Both Bauer et al. and Cesar et al. teach RFID tags system. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to have the identifying steps of Cesar et al. into Bauer et al. system would the identification of the tag.

Referring to independent claim 7 is directed to a communication station drafted in analogy to method claim 1. Hence, the subject-matter of the claim is not novel in view of the above-mentioned documents.

Referring to independent claim 8 is directed to a transponder drafted in analogy to method claim 1. Hence, the subject-matter of the claim is not novel in view of the above-mentioned documents.

Referring to independent claim 14 is directed to an integrated circuit drafted in analogy to method claim 1. Hence, the subject-matter of the claim is not novel in view of the above-mentioned documents.

Claims 2-4,9-11, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (US# 7,084,769) in view of Cesar et al. (US# 6,172,596) as applied to claims 1, 8, and 14, and further in view of Vacherand et al. (US# 6,650,228).

Referring to claim 2, Bauer et al. in view of Cesar et al. disclose the method of claim 1. However, Bauer et al. in view of Cesar et al. did not explicitly disclose wherein the transponder emits a presence-signaling with a first signal duration and a response signal with a second signal duration, and wherein the first signal duration is shorter than the second signal duration.

In an analogous art, Vacherand et al. disclose sequence number assigned to each tag will have a bit length much shorter than the ID code length, E.g., with an 8 bit long sequence number it can be envisaged to manage simultaneously 255 tags, each

having an ID code of 64 or 128 bits, for instance (col. 3 lines 11-18). Bauer-Cesar and Vacherand et al., all teach tag communication system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have different duration signals of Vacherand et al. into Bauer-Cesar with the motivation for doing so would allow simultaneously managing a large number of tags.

Referring to claims 9 and 15, recite the limitations of claim 2 and therefore rejected on the same basis.

Referring to claim 3-4, 10-11, and 16-17, since Vacherand et al. disclose sequence number assigned to each tag will have a bit length much shorter than the ID code length, E.g., with an 8 bit long sequence number it can be envisaged to manage simultaneously 255 tags, each having an ID code of 64 or 128 bits, for instance (col. 3 lines 11-18). Therefore, it is obvious to one of ordinary skill in the art at the time of the invention to have the ratio of the signal durations as claimed is desired upon designer choice.

Claims 5-6, 12-13, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (US# 7,084,769) in view of Cesar et al. (US# 6,172,596) as applied to claims 1, 8, and 14, and further in view of Vacherand et al. (US# 6,650,228).

Referring to claim 5, Bauer et al. in view of Cesar et al. disclose the method of claim 1. However, Bauer et al. in view of Cesar et al. did not explicitly disclose wherein

Art Unit: 2612

the transponder emits a presence-signaling signal with a first transmission parameter and a response signal with a second transmission parameter.

In an analogous art, Meier teaches the transponder emits a presence-signaling signal with a first transmission parameter and a response signal with a second transmission parameter (col. 11 lines 33-43). Bauer and Meier teach tag communication system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the first and second signals with different parameters of Meier into Bauer-Cesar would prevent the charge the battery.

Referring to claims 12 and 18, recite the limitations of claim 2 and therefore rejected on the same basis.

Referring to claim 6, 13 and 19, Meier disclose wherein one of two different subcarrier frequencies of each subcarrier signal is used, one as first transmission parameter and one as second transmission parameter.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chan et al. (US# 5,550,547) disclose multiple item radio frequency tag identification protocol.

McLean (US# 6,486,769) discloses a method and system for automatic adjustment and diagnosis of radio frequency identification systems using programmable checktags.

Steeves (US# 7,005,985) discloses a radio frequency identification system and method.

Schmitz (US# 6,633,227) discloses a method for operating a remote control, and remote control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached at (571) 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3050.

/Scott Au/
Examiner, Art Unit 2612

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612